

STEPHANIE M. HINDS (CABN 154284)
United States Attorney

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 5:22-cr-00146 EJD
)	
Plaintiff,)	
)	VIOLATIONS:
v.)	18 U.S.C. § 922(g)(1)–Felon in Possession of
)	Ammunition
MARK DEHART,)	26 U.S.C. § 5861(d)— Possession of an Unregistered
)	Short-Barreled Rifle
Defendant.)	18 U.S.C. § 924(d), 28 U.S.C. § 2461(c), 26 U.S.C.
)	§ 5872(a) – Forfeiture Allegation
)	
)	SAN JOSE VENUE
)	
)	
)	
)	

SUPERSEDING INFORMATION

The United States Attorney charges:

COUNT ONE: (18 U.S.C. § 922(g)(1) – Felon in Possession of Ammunition)

On or about June 29, 2021, in the Northern District of California, the defendant,

MARK DEHART,

knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed two rounds of .22 caliber ammunition (one live and one expended), both manufactured by Federal Cartridge Company (Anoka, MN), and the ammunition was in and affecting

1 interstate and foreign commerce, all in violation of Title 18, United States Code, Section 922(g)(1).

2
3 COUNT TWO: (26 U.S.C. § 5861(d)— Possession of an Unregistered Short-Barreled Rifle)

4 On or about June 29, 2021, in the Northern District of California, the defendant,

5 MARK DEHART,

6 knowingly possessed a short-barreled rifle, as defined in Title 26, United States Code, Section
7 5845(a)(3), and Title 18, United States Code, Section 921(a)(8), specifically one privately made short-
8 barreled rifle, chambered for 5.56x45mm ammunition with folding stock adapter, telescoping stock,
9 muzzle device and flashlight, with no serial number, and a barrel length of 8 5/8 inches, with no
10 manufacturer marks of identification or serial number, at the time he possessed the short-barreled rifle,
11 the defendant was aware that the short-barreled rifle was a rifle having a barrel of less than 16 inches in
12 length, and the short-barreled rifle had not been registered to him in the National Firearms Registration
13 and Transfer Record, all in violation of Title 26, United States Code, Sections 5841, 5861(d), and 5871.

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15 FORFEITURE ALLEGATIONS: (18 U.S.C. § 924(d), 28 U.S.C. § 2461(c), and 26 U.S.C. § 5872)

16 The allegations contained above are hereby re-alleged and incorporated by reference for the
17 purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 924(d), Title 28, United
18 States Code, Section 2461(c), and Title 26, United States Code, Section 5872(a).

19 Upon conviction of the offenses alleged in Counts One and Two, the defendant,

20 MARK DEHART,

21 shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d), Title 28,
22 United States Code, Section 2461(c), Title 26, United States Code, Section 5872(a), any firearm and
23 ammunition involved in the commission of the offenses, including, but not limited to the following:

- 24 a. Two rounds of .22 caliber ammunition (one live and one expended), both manufactured by
25 Federal Cartridge Company (Anoka, MN);
26 b. A privately made short-barreled rifle, chambered for 5.56x45mm ammunition with folding
27 stock adapter, telescoping stock, muzzle device and flashlight, with no serial number, and a
28 barrel length of 8 5/8 inches;

- c. A Polymer80 .22 caliber pistol, privately made firearm with no serial number, loaded with (9) .22 caliber rounds;
 - d. An AR style 5.56 caliber rifle, privately made firearm with no serial number with a barrel length of approximately 16 inches;
 - e. Four (4) firearms silencers, all of which lacked serial or registration numbers, specifically described as:
 - a. One metal cylindrical device, black in color, approximately 6.06 inches in length, and approximately 1.45 inches at its major diameter, wrapped in a black electrical-type tape material;
 - b. One modified engine oil filter, approximately 8 inches in length, and approximately 3.81 inches at its major diameter;
 - c. One modified camp fuel-type, 16-ounce propane tank, black in color, wrapped in a blue micro-fiber-type cloth, approximately 7.75 inches in length, and approximately 3.87 inches at its major diameter;
 - d. One modified Bernzomatic-type, 14-ounce propane tanks, approximately 18.75 inches in length, and approximately 2.92 inches at its major diameter;
 - f. Two (2) machinegun conversion devices commonly referred to as a Glock Switch;
 - g. All firearms parts found on or about June 29, 2021 at the Wainwright or De La Cruz addresses as described in Santa Clara Police Department Report No. 21-629112, including but not limited to lower or upper receivers, buffer tubes, pistol conversion kits, flare guns, jigs, barrels, optics/sights, and ammunition magazines; and
 - h. All ammunition (regardless of caliber) found on or about June 29, 2021 at the Wainwright or De La Cruz addresses as described in Santa Clara Police Department Report No. 21-629112.
- If any of the property described above, as a result of any act or omission of the defendant:
- a. cannot be located upon exercise of due diligence;
 - b. has been transferred or sold to, or deposited with, a third party;
 - c. has been placed beyond the jurisdiction of the court;
 - d. has been substantially diminished in value; or

1 e. has been commingled with other property which cannot be divided without difficulty,
2 the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21,
3 United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

4 All pursuant to Title 18, United States Code, Section 924(d), Title 28, United States Code,
5 Section 2461(c), Title 26, United States Code, Section 5872(a), and Federal Rule of Criminal Procedure
6 32.2.

7
8 DATED: December 1, 2022

STEPHANIE M. HINDS
United States Attorney

9
10 /s/ Christoffer Lee

CHRISTOFFER LEE

11 Assistant United States Attorney
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DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT☒ SUPERSEDING**OFFENSE CHARGED**

* 18 U.S.C. § 922(g)(1)—Felon in Possession of Ammunition
 * 26 U.S.C. § 5861(d)—Possession of an Unregistered
 Short-Barreled Rifle

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: See Attached

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

DEFENDANT - U.S.

▶ Mark Dehart

DISTRICT COURT NUMBER

5:22-CR-00146-EJD

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

ATF

☐ person is awaiting trial in another Federal or State Court,
 give name of court

☐ this person/proceeding is transferred from another district
 per (circle one) FRCrP 20, 21, or 40. Show District

☐ this is a reprosecution of
 charges previously dismissed
 which were dismissed on motion
 of:

☐ U.S. ATTORNEY ☐ DEFENSE
SHOW
DOCKET NO.
☐ this prosecution relates to a
 pending case involving this same
 defendant
MAGISTRATE
CASE NO.
☒ prior proceedings or appearance(s)
 before U.S. Magistrate regarding this
 defendant were recorded under

5:21-mj-71523

Name and Office of Person

Furnishing Information on this form Stephanie M. Hinds

☒ U.S. Attorney ☐ Other U.S. AgencyName of Assistant U.S.
Attorney (if assigned)

Christoffer Lee

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

1) ☐ If not detained give date any prior
summons was served on above charges ▶2) ☐ Is a Fugitive3) ☒ Is on Bail or Release from (show District)

NDCA

IS IN CUSTODY4) ☐ On this charge5) ☐ On another conviction☐ Federal ☐ State6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer ☐ Yes
 been filed? ☐ No

 If "Yes"
 give date
 filed
**DATE OF
ARREST**

Month/Day/Year

Or... if Arresting Agency & Warrant were not

**DATE TRANSFERRED
TO U.S. CUSTODY**

Month/Day/Year

☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or
warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

Penalty Sheet Attachment

18 U.S.C. § 922(g)(1)—Felon in Possession of Ammunition

Penalties

- Maximum term of imprisonment: 10 years
- Maximum fine: \$250,000
- Supervised Release: 3 years
- Special Assessment: \$100 special assessment
- Forfeiture of the firearm and ammunition

26 U.S.C. § 5861(d)—Possession of an Unregistered Short-Barreled Rifle

Penalties

- Maximum term of imprisonment: 10 years
- Maximum fine: \$250,000
- Supervised Release: 3 years
- Special Assessment: \$100 special assessment
- Forfeiture of the firearm and ammunition